THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, 10th day of July,2006

W.P.No.28092 of 1998

Between :

Nayak Rajaiah … Petitioner

and

The Government of A.P., rep. by its
Secretary, Irrigation Department,
Secretariat, Hyderabad & others … Respondents

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ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the respondents in not paying compensation to the petitioner for the land submerged in the construction of Bhavanamma Tank as arbitrary, illegal and violative of Articles 14, 21 and 300-A of the Constitution of India and consequently to direct the respondents to initiate land acquisition proceedings in respect of the land of the petitioner ad measuring Ac.10.00 gts in Sy.No.635 of Jakkannapet, Hamlet of Sardhana village, Medak Mandal and District and pay compensation to the petitioner.

It is the case of the petitioner that he is an Ex-Serviceman and owns Ac.10.00 gts of land in Sy.No.635 of Jakkannapet, Hamlet of Sardhana village, Medak Mandal. The authorities have constructed a bund and created a tank near his lands; therefore, his lands were submerged. But, no land acquisition proceedings were initiated nor any compensation is paid till date. Therefore, he got issued various legal notices to the concerned authorities requesting them to initiate land acquisition proceedings and pay compensation to him. It is also stated that similarly placed persons, who were the owners of the land in Sy.No.635 and whose lands have been submerged in the said Tank have approached this Court by way of W.P.No.5437 of 1991, which was disposed of 13-9-1991 directing the respondents to initiate land acquisition proceedings and pay compensation to them. The said

similarly situated persons were paid compensation, but he was not paid the same. Hence, this Writ Petition.

A detailed counter affidavit has been filed on behalf of respondents 1 to 4 denying the allegations made by the petitioner. It is categorically asserted therein that the petitioner is nothing to do with Ac.102.15 gts of submerged land in Bhavanamma Tank. The legal representatives of the persons whose lands were submerged in the said tank were paid compensation pursuant to the directions of this Court in Writ Petition No.5437 of 1991. The petitioner got issued a legal notice on 29-12-1993 to respondents 3 to 5 and also the Revenue Divisional Officer, Medak alleging that he was the owner of Ac.10.00 of land in Sy.No.635 and requested to initiate land acquisition proceedings and pay compensation and also mesne profits from the year 1954 onwards to him. In the notice, the petitioner mentioned his name as Taluka Rajaiah, S/o Mallaiah. Pursuant to the said notice, the Mandal Revenue Officer, Medak was requested to verify the details regarding the claim of the petitioner. It was found that no person, by name, Taluka Rajaiah was shown as 'pattadar' in Sy.No.635 in the concerned records. The same was intimated by way of reply dated 23-3-1994 to the petitioner through his Advocate. Thereafter, another legal notice dated 3-6-1994 was issued stating that the petitioner's name was shown as Nayak Rajaiah, S/o Mallaiah in the revenue records and asked for payment of compensation. Even the name of Nayak Rajaiah, S/o Mallaiah was not found as pattadar in Sy.No.635. Therefore, the Writ Petition is liable to be dismissed.

Learned counsel for the petitioner strenuously contended that Taluka Rajaiah and Nayak Rajaiah are one and the same and the authorities have not properly verified the records. If proper verification

is made, the records would show that the petitioner is the owner of the said Ac.10.00 of land in Sy.No.635.

Be that as it may, if the petitioner is really the owner of the said land of Ac.10.00, it is always open for him to prove his case before the authorities by way of filing certified copies of the village accounts, survey report, if necessary, in this regard etc. On filing a representation along with such records, respondents 4 and 5 shall examine the same in detail and pass appropriate orders, as per law, after putting the petitioner on notice and hearing him personally, if necessary, within a period of three months from the date of receipt of the representation from the petitioner.

With the above direction, the Writ Petition is disposed of. No order as to costs.

10-7-2006

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